

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-23 and 25-27 are pending in this application. No claims are amended. Claim 24 stands cancelled. Claim 1 is the sole independent claim.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O., that the drawings have been accepted by the Examiner and that the references cited in the Information Disclosure Statement filed August 25, 2006 have been accepted.

DOUBLE PATENTING REJECTION

Claims 1-23 and 25-27 are *provisionally* rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-19 of co-pending U.S. Patent Application No. 10/564,601.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application 10/564,601 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

Rejections under 35 U.S.C. §101

Claims 21-23 and 27 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner interprets "a coding device," "a decoding device" and "a coding/decoding device" as recited in the claims as either hardware or software. However, since the specification does not explicitly mention the devices being hardware devices, the Examiner, for the purposes of examination, interprets the

recited “coding device,” “decoding device” and “coding and decoding device” for implementing the coding and/or decoding methods to comprise only computer software and alleges that claims 21-23 and 27 are directed to non-statutory subject matter.

Applicants respectfully disagree and submit that while the method of coding and decoding structured documents as recited in the claims may arguably be performed by computer software; the Examiner will readily appreciate that such computer software may not be executed without the necessary hardware. Accordingly, even though the specification does not explicitly disclose a hardware device to implement the methods of coding and/or decoding structured documents as recited in, for example, claims 1, 13, 21 and 22, one of ordinary skill in the art will readily understand that to execute such computer software would require the necessary hardware device and it is this hardware device to which claims 21-23 and 27 are directed.

For these reasons, Applicants respectfully submit that claims 21-23 and 27 are directed to statutory subject matter and request that the rejections of claims 21-23 and 27 under 35 U.S.C. §101 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-23 and 25-27 stand rejected under 35 U.S.C. § 103 as being unpatentable over US 2004/0068696 A1 to Seyrat et al. (“Seyrat”) in view of US 2002/0138517 A1 to Mory et al. (“Mory”). Applicants respectfully traverse this rejection for the reasons detailed below.

Seyrat discloses a method to encode and decode structure documents that are based on a first and second scheme. FIG. 2 and paragraphs [0090]-[0093] disclose the well known coding and compilation process in order to generate codes that are assigned to elements or attributes in the document required to be coded.

As disclosed in paragraph [0105], encoding process adds in the encoded document the information about the schema used in the encoding phase. This information comprises schema identifiers. These schema identifiers are defined by a schema identifier directory which can be read by the decoder using the syntax shown in Table 1.

Also, Seyrat is directed solely to encoding method for enabling a decoder to decode a structured document and teaches using identifiers of a used schema for coding a particular element data type. As such, Seyrat fails to disclose, teach or fairly suggest **“at least one inheritance relationship is described between an inheriting name space and bequeathing name spaces,”** as required by claim 1.
(Emphasis Added)

As disclosed in paragraph [0090] and FIG 2 of Seyrat, the MPEG-7 decoder 10 obtains binary syntax code 13 that is executed to decode encoded documents 7 that are applied to input of the decoder. Namely, while the decoder of Seyrat may arguably generate codes (not admitted), the codes are used to decode the encoded documents 7. As such, Seyrat also fails to teach or fairly suggest **“allocating the plurality of codes for types defined by name spaces,”** as recited in claim 1.
(Emphasis Added)

For at least the preceding reasons, Applicants respectfully submit that Seyrat fails to teach or fairly suggest each and every limitation of claim 1. Mory fails to overcome the noted deficiencies of Seyrat. Therefore, the combination of Seyrat and Mory fails to render the limitations of claim 1 obvious to one of ordinary skill in the art.

Claims 2-23 and 25-27, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-23 and 25-27 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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